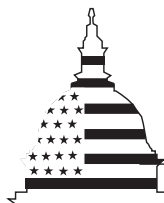


September 2007

# MILITARY PERSONNEL

## Number of Formally Reported Applications for Conscientious Objectors Is Small Relative to the Total Size of the Armed Forces

**G A O**

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Highlights of [GAO-07-1196](#), a report to congressional committees

## Why GAO Did This Study

Section 587 of the John Warner National Defense Authorization Act for Fiscal Year 2007 required GAO to address (1) the trends in the number of conscientious objector applications for the active and reserve components during calendar years 2002 through 2006; (2) how each component administers its process for evaluating conscientious objector applications; and (3) whether, upon discharge, conscientious objectors are eligible for the same benefits as other former servicemembers. GAO's review included the Coast Guard components. GAO compiled numbers of applications based on data provided by the Armed Forces. However, these numbers do not include the numbers of applications that are not formally reported to the components' headquarters. Also, the Defense Manpower Data Center does not maintain separate data on numbers of applications for conscientious objector status; it does maintain data on reasons for separation. GAO used these data to help assess the reasonableness of the component-provided data and to compile demographic data.

## What GAO Recommends

GAO is not making any recommendations in this report. The Departments of Defense, Homeland Security, and Veterans Affairs were provided a draft of this report and had no comments.

To view the full product, including the scope and methodology, click on [GAO-07-1196](#). For more information, contact Brenda Farrell at (202) 512-3604 or farrellb@gao.gov.

## MILITARY PERSONNEL

### Number of Formally Reported Applications for Conscientious Objectors Is Small Relative to the Total Size of the Armed Forces

#### What GAO Found

During calendar years 2002 through 2006, the active and reserve components reported processing 425 applications for conscientious objector status. This number is small relative to the Armed Forces' total force of approximately 2.3 million servicemembers. Of the 425 applications the components reported processing, 224 (53 percent) were approved; 188 (44 percent) were denied; and 13 (3 percent) were pending, withdrawn, closed, or no information was provided.

Number of Conscientious Objector Applications Reported, Calendar Years 2002-2006						
Component	2002	2003	2004	2005	2006	Total
Army	25	47	53	33	23	181
Army Reserve	2	8	14	9	3	36
Army National Guard	1	7	11	7	0	26
Navy	8	2	3	9	9	31
Navy Reserve <sup>a</sup>	0	0	0	0	0	0
Air Force	2	15	10	12	6	45
Air Force Reserve	1	2	1	0	0	4
Air National Guard	1	1	0	1	2	5
Marine Corps	8	8	11	6	10	43
Marine Corps Reserve	7	21	14	5	3	50
Coast Guard	1	1	1	0	0	3
Coast Guard Reserve	0	1	0	0	0	1
<b>Total</b>	<b>56</b>	<b>113</b>	<b>118</b>	<b>82</b>	<b>56</b>	<b>425</b>

Source: GAO analysis of components' data.

<sup>a</sup> The Navy Reserve reported no applications during this period.

Each component considers applications from servicemembers who wish to be classified as conscientious objectors. Each component's process is essentially the same, taking an average of about 7 months to process an application. After the servicemember submits an application, arrangements are made for a military chaplain and a psychiatrist to interview the applicant. An investigating officer holds a hearing and prepares a report. An authorized official or board makes the final decision and informs the commanding officer, who informs the applicant that he or she has or has not met the burden of proof necessary to establish the claim. Officials from all the components stated that they attempt to temporarily reassign applicants to noncombatant duties while their applications are pending.

Conscientious objector status is not considered when determining eligibility for benefits; the primary determinant is the type of discharge—honorable or under honorable conditions (general). Of those 224 servicemembers whose applications were approved for conscientious objector status, 207 received honorable discharges, 14 received general discharges, and information on the remaining 3 was not available. In addition to the characterization of discharge, a servicemember may have to meet other eligibility requirements—including years of service—to receive certain Veterans Affairs benefits.

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## Abbreviations

DMDC	Defense Manpower Data Center
DOD	Department of Defense
OEF	Operation Enduring Freedom
OIF	Operation Iraqi Freedom
ONE	Operation Noble Eagle
VA	Department of Veterans Affairs

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United States Government Accountability Office  
Washington, DC 20548

September 28, 2007

## Congressional Committees

After the adoption of an all-volunteer force in 1973, the United States no longer drafted individuals for its military force. Before this change, individuals could apply for conscientious objector status and, if approved, be exempted from the draft. Servicemembers in today's all-volunteer force—which is comprised of approximately 2.3 million active and reserve<sup>1</sup> members, including the Coast Guard—can also apply for conscientious objector status and, if approved, either leave the military before the end of their service obligations or be reassigned to noncombatant duties. Although recruits are asked on entrance applications if they oppose war, the U.S. Armed Forces'<sup>2</sup> conscientious objector policies<sup>3</sup> recognize that servicemembers' religious, ethical, or moral beliefs can change over time and lead to conscientious objection to war. For example, after joining the military, a servicemember might

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<sup>1</sup> The term reserve or reserve components includes the Reserve and National Guard components.

<sup>2</sup> For this report, the term U.S. Armed Forces includes (1) the Army, (2) the Army National Guard, (3) the Army Reserve, (4) the Navy, (5) the Navy Reserve, (6) the Air Force, (7) the Air National Guard, (8) the Air Force Reserve, (9) the Marine Corps, (10) the Marine Corps Reserve, (11) the U.S. Coast Guard, and (12) the U.S. Coast Guard Reserve. Unlike the other services, the U.S. Coast Guard and the U.S. Coast Guard Reserve are agencies within the Department of Homeland Security, not the Department of Defense. Upon the declaration of war if Congress so directs in the declaration or when the President directs, the Coast Guard shall operate as a service in the Navy, and shall so continue until the President, by Executive order, transfers the Coast Guard back to the Department of Homeland Security. While operating as a service in the Navy, the Coast Guard shall be subject to the orders of the Secretary of the Navy who may order changes in Coast Guard operations to render them uniform, to the extent he deems advisable, with Navy operations. 14 U.S.C. §3.

<sup>3</sup> Department of Defense Instruction 1300.06, *Conscientious Objectors* (May 5, 2007); Army Regulation 600-43, *Conscientious Objection* (Aug. 21, 2006); Navy Military Personnel Manual, Article 1900-20, *Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)* (Aug. 22, 2002); Air Force Instruction 36-3204, *Procedures for Applying as a Conscientious Objector* (July 15, 1994); Marine Corps Order 1306.16E, *Conscientious Objectors* (Nov. 21, 1986); and Coast Guard Commandant Instruction 1900.8, *Conscientious Objectors and the Requirement to Bear Arms* (Nov. 30, 1990). According to U.S. Coast Guard officials, the Coast Guard is not required to comply with the Department of Defense's instruction; however, its regulation closely follows the Department of Defense instruction.

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convert to a religion that opposes war or have other life-altering experiences (e.g., exposure to combat or the death of a family member) that change the servicemember's religious, ethical, or moral beliefs. Therefore, the Armed Forces have policies and procedures in place to consider applications from servicemembers who wish to be classified as conscientious objectors.

The John Warner National Defense Authorization Act for Fiscal Year 2007<sup>4</sup> directed us to review the Armed Forces' conscientious objector process. Specifically, we addressed (1) the trends in the number of servicemembers applying for conscientious objector status during calendar years 2002 through 2006; (2) how each component of the U.S. Armed Forces administers its process for approving or denying conscientious objector applications; and (3) whether conscientious objectors are eligible to receive the same benefits that other servicemembers are eligible to receive after they are discharged from the military. In addition to the mandate, as agreed with your offices, we are providing demographic information on servicemembers who separated as conscientious objectors between calendar years 2002 and 2006. This demographic information is presented in appendix I.

To address the first objective—to report on trends in the numbers of applications for conscientious objector status—we used data provided by each component for calendar years 2002 through 2006. We did not report on data between September 11, 2001, and December 31, 2001, as directed in the mandate, because several of the components did not have these data available or believed the data to be unreliable. The Defense Manpower Data Center (DMDC) does not maintain information on applications for conscientious objector status but does maintain information on separations. We obtained personnel information on separations for conscientious objectors from DMDC because it maintains data for all of the Armed Forces, including the Coast Guard, dating back to the early 1970s. To assess the reliability of the conscientious objector applications and separations data we received from the components and DMDC, we (1) performed electronic testing; (2) compared data provided by the components with data provided by DMDC to assess their reasonableness; (3) reviewed information about the systems that produced the data; and (4) interviewed component and DMDC officials to identify known problems or limitations in the data and to understand how DMDC receives

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<sup>4</sup> Pub. L. No. 109-364, §587 (2006).

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and processes data from the components. When we found discrepancies, we worked with the component or DMDC to understand why the discrepancies had occurred and to gather the most complete data possible. We found limitations with the consistency and completeness of the data that could result in a possible understatement of the number of applications, but we believe that the data are sufficiently reliable to demonstrate overall trends in the numbers of applications, approvals, and denials for applications submitted for conscientious objector status during calendar years 2002 through 2006. However, the numbers of applications maintained by the components do not include those applications that did not get formally reported to the components' headquarters. To address the second objective, we analyzed each component's regulation to identify its processes for reviewing conscientious objector applications. For the third objective, we reviewed relevant documentation about veterans' benefits, such as the Department of Veterans Affairs' (VA) guidance and benefits booklet.<sup>5</sup> To address all three objectives, we interviewed knowledgeable officials—including those responsible for the conscientious objector process and its guidance and regulations—from the Office of the Under Secretary of Defense (Personnel and Readiness), DMDC, and each of the military services and their reserve components within the Department of Defense (DOD); from the Coast Guard within the Department of Homeland Security; and from the VA.<sup>6</sup> To obtain demographic information on applicants for conscientious objector status, we provided DMDC with applications data provided by the components; DMDC then matched this information to personnel data it maintains. A more thorough description of our scope and methodology is provided in appendix II.

We conducted our audit work between November 2006 and August 2007 in accordance with generally accepted government auditing standards.

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## Results in Brief

For calendar years 2002 through 2006, the active and reserve military components reported processing 425 applications for conscientious objector status. Despite the possible understatement in the number of applications for conscientious objector status provided by the components, this number is small relative to the Armed Force's total force

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<sup>5</sup> For example, VA, *Federal Benefits for Veterans and Dependents* (Washington, D.C.: 2007).

<sup>6</sup> We did not talk to officials from the Coast Guard Reserve or the Marine Corps Reserve because active component officials were responsible for their processes.

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of approximately 2.3 million servicemembers. Of the 425 applications the components reported processing during 2002 through 2006, 224 (53 percent) were approved; 188 (44 percent) were denied; and 13 (3 percent) were pending, withdrawn, closed, or no information was provided.

All the components follow the same basic steps to administer their conscientious objector application processes:

- The servicemember submits an application for conscientious objector status.
- The commanding officer or authorized official assigns a military chaplain and a psychiatrist to conduct required interviews.
- The applicant's commanding officer appoints an investigating officer.
- The investigating officer holds an informal hearing.
- The investigating officer prepares a report, including a recommendation to approve or deny the application.
- The commanding officer reviews the record and makes a recommendation to approve or deny the application.
- An authorized official or board makes the final decision and informs the commanding officer.
- The commanding officer or authorized official informs the applicant of the final decision.

Officials from each of the components said that an attempt is made to reassign applicants to noncombatant duties while their applications are pending. On average, the components took about 7 months to process an application for a servicemember requesting conscientious objector status. The Air Force Reserve's process typically took the longest, at an average of nearly a full year (357 days), while the Navy's processing time averaged about 5 months (160 days). Component officials said that processing may be prolonged when, for example, an application must be returned to the applicant for additional information. According to the components, they inform the applicant of whether or not he or she met the burden of proof necessary to establish the claim.

According to Veterans Affairs' benefits guidance, depending on the type of discharge, there are no differences between the benefits that conscientious objectors are eligible to receive and those that other servicemembers are eligible to receive when they are discharged from the military. The type of discharge—honorable or under honorable conditions (general)—not status as a conscientious objector, is the primary determinant of the benefits for which the servicemember is eligible. A servicemember with an honorable discharge may be eligible to receive all

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veterans' benefits, including education and training, health care, and disability compensation. A servicemember with an under honorable conditions (general) discharge may be eligible to receive all but Montgomery GI Bill-Active Duty Education and Training benefits. Of the 224 servicemembers whose applications were approved for conscientious objector status, 207 (92 percent) received honorable discharges, 14 (6 percent) received under honorable conditions (general) discharges, and information on the discharges of the remaining 3 (1 percent) was not available. In addition to the characterization of discharge, a servicemember may have to meet other eligibility requirements—including years of service, period of service (e.g., during a period of war), or an injury or disease that was incurred or aggravated during military activity—to receive certain VA benefits.

DOD, the Department of Homeland Security, and VA were provided a draft of this report and had no comments on the findings. The Department of Homeland Security and VA provided technical comments, which were incorporated as appropriate.

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## Background

The Under Secretary of Defense (Personnel and Readiness)—who reports to the Deputy Secretary of Defense—is responsible for developing the DOD instruction for the conscientious objector application process and for monitoring all of the DOD components for compliance with the departmentwide instruction.<sup>7</sup> The Secretaries of the components, or their designees, are responsible for implementing the process and for making final decisions on whether to approve or deny conscientious objector applications. According to Coast Guard officials, the Coast Guard's Director of Personnel Management is responsible for overseeing its conscientious objector application process, including maintaining the instruction. However, the Director of Human Resources makes the final decision on whether to approve or disapprove conscientious objector applications.<sup>8</sup> The Director of Personnel Management reports to the Director of Human Resources and—through the chain of command—to the Commandant of the Coast Guard.

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<sup>7</sup> DOD Instruction 1300.06, *Conscientious Objectors* (May 5, 2007).

<sup>8</sup> Unlike DOD, the Department of Homeland Security does not have a departmentwide instruction, and the Coast Guard does not report to the Department of Homeland Security about the conscientious objector process.

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According to guidance and regulations established by the components, in order to be granted conscientious objector status, servicemembers must submit clear and convincing evidence that (1) they are opposed to participation in any form of war; (2) their opposition is based on religious, ethical, or moral beliefs; and (3) their beliefs are sincere and deeply held.<sup>9</sup> These regulations do not recognize selective conscientious objection, that is, opposition to a specific war or conflict. The components' regulations recognize two categories of applicants for conscientious objector status. A class 1-O applicant sincerely objects to all participation in any form of war and is discharged if the application is approved. A class 1-A-O applicant sincerely objects to participating as a combatant in any form of war but has convictions that permit military service as a noncombatant. With the exception of the Army and its reserve components, the components have the discretion to either reassign an approved class 1-A-O conscientious objector to noncombatant duties—if they are available—or discharge the servicemember. Army regulation states that servicemembers approved for 1-A-O status are not eligible for discharge. These servicemembers continue to serve the remainder of their contract and, when necessary, they are retrained in an occupational specialty that does not require them to bear arms.

DMDC, which is a support organization within DOD that reports to the Under Secretary of Defense (Personnel and Readiness), maintains various types of data on military personnel, dating back to the early 1970s, such as separations data on servicemembers discharged as conscientious objectors. The majority of these data are provided to DMDC by the military components and are the source for the separations information now being provided to Congress. DMDC's mission is to deliver timely and high-quality support to its customers and to ensure that the data it receives from different sources are consistent, accurate, and appropriate when used to respond to inquiries. DMDC customers include DOD organizations such as the Armed Forces, the Office of the Secretary of Defense, and the Joint Staff, as well as external organizations, such as Congress. These organizations rely on data supplied by DMDC to help them in making

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<sup>9</sup> DOD Instruction 1300.06, *Conscientious Objectors* (May 5, 2007); Army Regulation 600-43, *Conscientious Objection* (Aug. 21, 2006); Navy Military Personnel Manual, Article 1900-020, *Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)* (Aug. 22, 2002); Air Force Instruction 36-3204, *Procedures for Applying as a Conscientious Objector* (July 15, 1994); Marine Corps Order 1306.16E, *Conscientious Objectors* (Nov. 21, 1986); and Coast Guard Commandant Instruction 1900.8, *Conscientious Objectors and the Requirement to Bear Arms* (Nov. 30, 1990).

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decisions about the military. DMDC's Active Duty Military Personnel Transaction File and the Reserve Components Common Personnel Data System contain information about servicemembers who separate from the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard, and from their reserve components.

The VA is responsible for providing a broad range of federal benefits and services to veterans and their families, working through the field facilities of its three major organizations located throughout the United States:

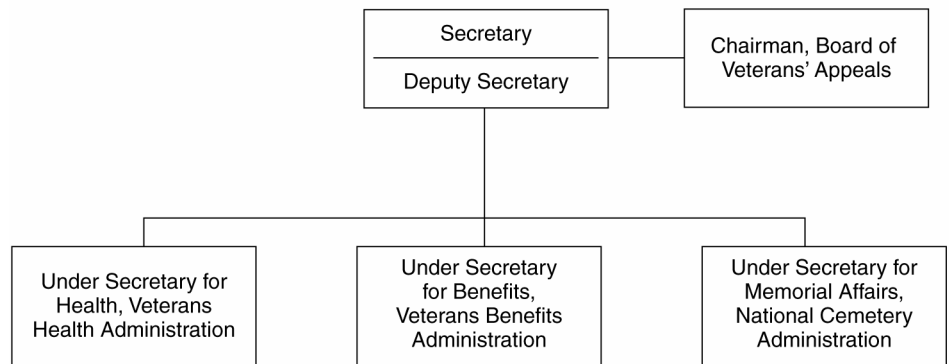
- The Veterans Health Administration manages and operates VA's medical care system and administers health care benefits.
- The Veterans Benefits Administration manages and operates VA programs that provide financial and other forms of assistance to veterans, their dependents, and their survivors. This organization administers disability compensation, pension, vocational rehabilitation and employment, education and training, home loan guaranty, and life insurance benefits.
- The National Cemetery Administration operates 125 national cemeteries in the United States and its territories. It also oversees the operations of 33 soldiers' lots, confederate cemeteries, and monument sites.

The Board of Veterans' Appeals is a statutory board that makes decisions on appeals under the authority of the Secretary of VA.<sup>10</sup> Members of the board review benefit claims determinations made at the field facilities and issue decisions on appeals. (See fig. 1 for VA's organizational structure.)

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<sup>10</sup> 38 U.S.C. § 7101.

**Figure 1: VA's Organizational Hierarchy**



Source: GAO analysis of Department of Veterans Affairs data.

In 1993, we reported that between fiscal years 1988 and 1990, DOD processed up to 200 applications annually for conscientious objector status and that about 80 to 85 percent of these applications were approved.<sup>11</sup> During the Persian Gulf War, which was fought in fiscal year 1991, the number of applications rose to 447, and about 61 percent were approved. We noted in that report that, though the number of applications more than doubled in fiscal year 1991, it was small compared to the total number of military personnel, indicating that conscientious objectors had no measurable impact on the readiness of the all-volunteer force.

## The Number of Applications for Conscientious Objection Was Small

Despite possible understatement, the numbers of known applications for conscientious objector status for calendar years 2002 through 2006 were relatively small compared to the size of the force, which is approximately 2.3 million servicemembers. (See app. II for a detailed description of the methods we used to determine data reliability.) Of the 425 applications for conscientious objector status the components reported that they processed during this period, 224, or about 53 percent, were approved; 188, or about 44 percent, were denied; and 13, or about 3 percent, were pending, withdrawn, closed, or no information was provided. Further, these data show that the overall number of reported applications for

<sup>11</sup> GAO, *Conscientious Objectors: Number of Applications Remained Small During the Persian Gulf War*, GAO/NSIAD-94-35 (Washington, D.C.: Nov. 9, 1993).

conscientious objector status increased in 2003 and 2004 and then dropped in 2005 and 2006 (see table 1).<sup>12</sup>

**Table 1: Number of Conscientious Objector Applications Reported, Calendar Years 2002-2006**

	2002	2003	2004	2005	2006	Total
Army	25	47	53	33	23	181
Army Reserve	2	8	14	9	3	36
Army National Guard	1	7	11	7	0	26
Navy	8	2	3	9	9	31
Navy Reserve <sup>a</sup>	0	0	0	0	0	0
Air Force	2	15	10	12	6	45
Air Force Reserve	1	2	1	0	0	4
Air National Guard	1	1	0	1	2	5
Marine Corps	8	8	11	6	10	43
Marine Corps Reserve	7	21	14	5	3	50
Coast Guard	1	1	1	0	0	3
Coast Guard Reserve	0	1	0	0	0	1
<b>Total</b>	<b>56</b>	<b>113</b>	<b>118</b>	<b>82</b>	<b>56</b>	<b>425</b>

Source: GAO analysis of components' data.

Notes: We are not able to provide data on applications between September 11 and December 31, 2001, because not all of the components maintained these data.

Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

DMDC-provided data similarly shows a small number of separations, or discharges, for conscientious objectors. See appendix III for more information from the DMDC-provided separations data.

The application approval rate was 55 percent for the Army, 84 percent for the Navy, 62 percent for the Air Force, 33 percent for the Marine Corps, and 33 percent for the Coast Guard. The application approval rate was 44 percent for the Army Reserve, 58 percent for the Army National Guard, and 44 percent for the Marine Corps Reserve.

<sup>12</sup> In appendix I, we present demographic data on the servicemembers who applied for conscientious objector status during 2002 through 2006.

**Table 2: Number of Reported Applications That Were Approved and Denied, Calendar Years 2002-2006**

	Approved 1-O	Approved 1-A-O <sup>a</sup>	Approved, but application type unknown <sup>b</sup>	Applications approved	Denied 1-O	Denied 1-A-O	Denied, but application type unknown <sup>b</sup>	Applications denied	Applications with missing data <sup>c</sup>	Total
Army	94	5	0	99	70	10	0	80	2	181
Army Reserve	14	2	0	16	13	2	0	15	5	36
Army National Guard	13	2	0	15	11	0	0	11	0	26
Navy	18	7	1	26	4	1	0	5	0	31
Navy Reserve <sup>d</sup>	0	0	0	0	0	0	0	0	0	0
Air Force	27	1	0	28	17	0	0	17	0	45
Air Force Reserve	0	0	2	2	0	0	1	1	1	4
Air National Guard	1	0	0	1	3	0	0	3	1	5
Marine Corps	12	2	0	14	18	7	0	25	4	43
Marine Corps Reserve	20	2	0	22	25	3	0	28	0	50
Coast Guard	1	0	0	1	1	0	1	2	0	3
Coast Guard Reserve	0	0	0	0	1	0	0	1	0	1
<b>Total</b>	<b>200</b>	<b>21</b>	<b>3</b>	<b>224</b>	<b>163</b>	<b>23</b>	<b>2</b>	<b>188</b>	<b>13</b>	<b>425</b>

Source: GAO analysis of components' data.

Note: Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>Of the 21 servicemembers whose 1-A-O applications were approved, 10 were reassigned to noncombatant duties, and 11 were discharged. Of the 10 who were reassigned, 4 were from the Army, 2 were from the Army National Guard, 2 were from the Army Reserve, 1 was from the Marine Corps, and 1 was from the Marine Corps Reserve.

<sup>b</sup>The component did not identify the application type (1-O or 1-A-O).

<sup>c</sup>In these instances, information, such as application type (1-O versus 1-A-O status), was not provided. These applications were pending review, withdrawn, or closed at the time of our review.

<sup>d</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

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Although there were 188 applications for conscientious objector status, these applications were submitted by only 186 servicemembers, because two servicemembers applied twice. Of the 186 servicemembers whose applications were denied, 114 (about 61 percent) were discharged for other reasons; 62 (about 33 percent) are still serving in the military service; and there is no information about the remaining 10 (about 5 percent). Of the 114 servicemembers who were discharged for other reasons, 33 (about 29 percent) separated after completion of their service contract; 21 (about 18 percent) were discharged for misconduct; 22 (19 percent) were separated for medical reasons; 22 (about 19 percent) were separated for miscellaneous reasons, including substandard performance and hardship; and 16 (about 14 percent) did not have a code designating the reason for the discharge.

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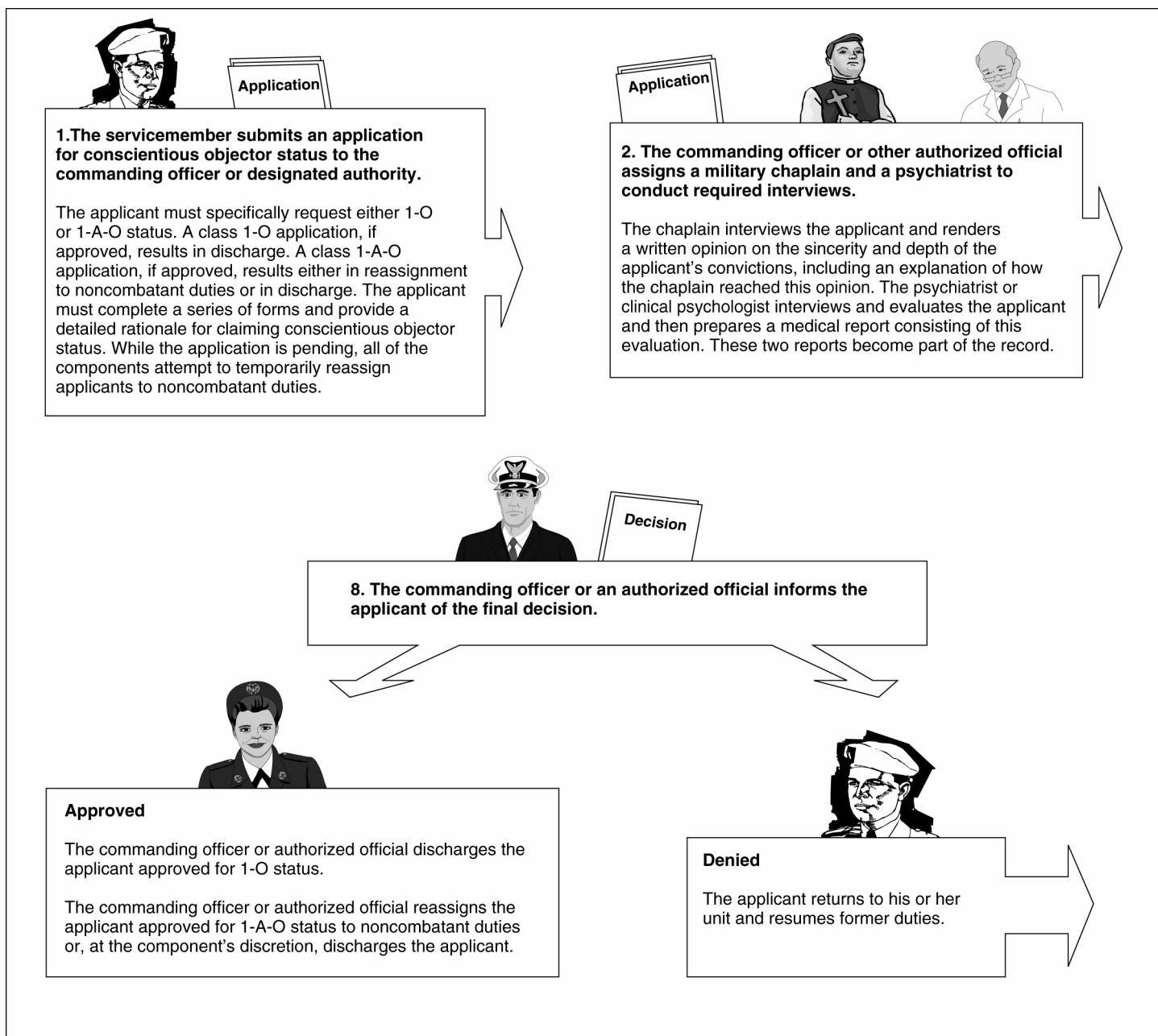
## Conscientious Objector Application Process Is Consistent Across Components

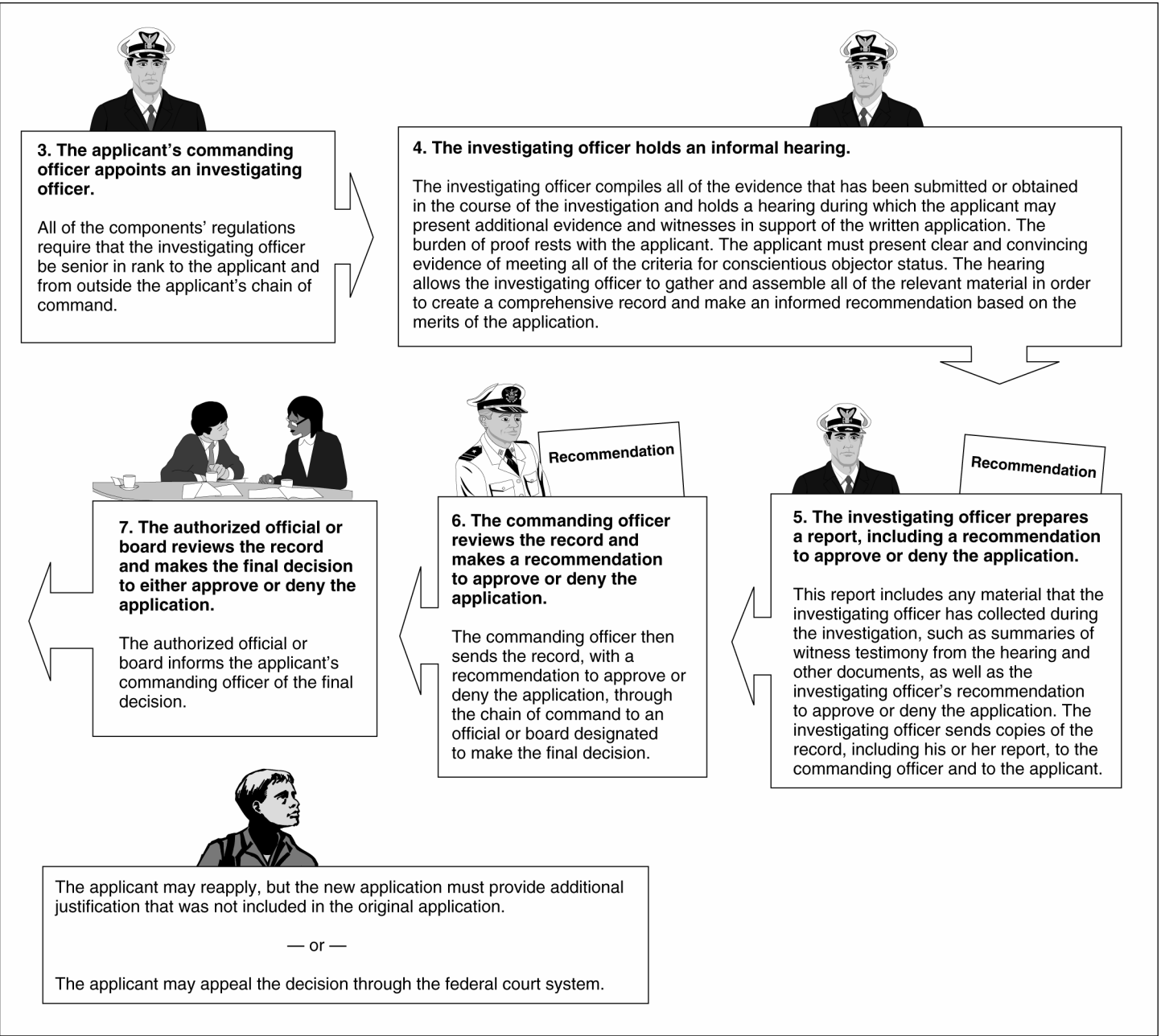
All components of the Armed Forces follow the same basic steps to administer their conscientious objector application processes.<sup>13</sup> Figure 2 illustrates the eight steps in the process.

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<sup>13</sup> DOD Instruction 1300.06, *Conscientious Objectors* (May 5, 2007); Army Regulation 600-43, *Conscientious Objection* (Aug. 21, 2006); Navy Military Personnel Manual, Article 1900-020, *Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)* (Aug. 22, 2002); Air Force Instruction 36-3204, *Procedures for Applying as a Conscientious Objector* (July 15, 1994); Marine Corps Order 1306.16E, *Conscientious Objectors* (Nov. 21, 1986); and Coast Guard Commandant Instruction 1900.8, *Conscientious Objectors and the Requirement to Bear Arms* (Nov. 30, 1990). According to U.S. Coast Guard officials, the Coast Guard is not required to comply with DOD's guidance; however, its regulation closely follows DOD guidance.

**Figure 2: Overview of the Eight Steps in the Process for Determining Conscientious Objector Status**





Source: GAO analysis of Armed Forces information.

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As shown in the process flowchart, the components attempt to reassign an applicant to noncombatant duties while an application is pending. Officials responsible for the conscientious objector process for each component said that the commanding officer reassigns the applicant. While temporarily assigned to noncombatant duties, an applicant must continue to meet the standards of acceptable conduct and performance of duties, such as wearing the uniform and following orders. If noncombatant duties are unavailable, an applicant must continue to fulfill the duties within the unit. Officials from the active and reserve components of the Air Force and the Marine Corps stated that, in the event that an applicant's unit is deployed while the application is pending, the applicant will not be deployed. In contrast, officials for the other components said an applicant may deploy with his or her unit at the discretion of the commanding officer or authorized official.

We inquired about the extent to which psychiatrists or clinical psychologists are readily available to interview and evaluate the mental condition of the applicants. The components' visibility over the availability of psychiatrists and clinical psychologists varied. Army, Army National Guard, Army Reserve, Air Force, and Air Force Reserve officials reported that they were not aware of any difficulties in obtaining a psychiatric or psychological evaluation. Navy and Marine Corps officials said that they did not have visibility over this issue for either their active or reserve components, because responsibility for obtaining such evaluations resides at the unit level. An Air National Guard official said that the component has a limited number of personnel who can conduct such an evaluation and that when one of these professionals is not available locally, the process may be delayed. Coast Guard officials said that in remote units in the active and reserve components where a psychiatrist or clinical psychologist is not readily available, processing is delayed.

In addition, each component's process includes provisions to allow the applicant to be (1) represented by legal counsel, (2) given the opportunity to rebut the evidence in the record before the authorized official makes a final decision, and (3) given an explanation if the application is denied.

According to their regulations, all components allow an applicant to obtain and pay for outside legal counsel. In addition, officials responsible for the conscientious objector process for the Army, the Navy, the Navy Reserve, the Air Force, the Air Force Reserve, the Marine Corps, and the Marine Corps Reserve said that an applicant has access to free legal advice from these components' legal offices.

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Each component provides an applicant with the opportunity to rebut information included in the record. The applicant submits the rebuttal prior to the final processing of the application. The time frame to submit a rebuttal varies among the components and ranges from 5 to 15 days. On the basis of data provided by the components for calendar years 2002 through 2006, the military services took an average of about 7 months to process an application—this includes the time allowed for applicants to submit their rebuttals. The Air Force Reserve typically took the longest amount of time to process an application, at an average of nearly a full year (357 days), while the Navy’s processing time averaged about 5 months (160 days). According to component officials, processing may be prolonged when, for example, applications must be returned to the unit or the applicant for additional information. As stated earlier, Air National Guard and Coast Guard officials said that personnel who can conduct psychiatric or psychological evaluations are not always readily available and that this may prolong the processing time. Coast Guard officials also stated that, because they receive so few applications, it is necessary for officials located in the field offices to reeducate themselves about the process each time, which may prolong processing time for the applications. Table 3 shows average application processing times by component.

**Table 3: Average Days to Process Reported Applications for Conscientious Objector Status, Calendar Years 2002-2006**

<b>Component</b>	<b>Average number of days per component</b>
Army	194
Army National Guard	251
Army Reserve	230
Navy	160
Navy Reserve	<sup>a</sup>
Air Force	235
Air Force Reserve	357
Air National Guard	264
Marine Corps	231
Marine Corps Reserve	298
Coast Guard	180
Coast Guard Reserve	310
Average number of days for all components	221

Source: GAO analysis of components' data.

Note: The average number of days for all components is a weighted-average.

<sup>a</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

According to the components, the commanding officer typically informs an applicant if he or she has or has not met the burden of proof necessary to establish the claim. In addition, officials for the Army, the Air Force, the Marine Corps, the Coast Guard, and their reserve components stated that when an application has been denied, the applicant is sent a memorandum providing additional detail on the reason for the decision. Generally, applications are denied when the servicemember has not provided clear and convincing evidence supporting his or her claim of conscientious objection.

Each of the components—with the exception of the Army and its reserve components—has the discretion to reassign an approved I-A-O conscientious objector to a noncombatant duty—if one is available—or discharge the servicemember. In contrast, according to Army regulation, I-A-O conscientious objectors in the Army and its reserve components are not eligible for discharge. According to Army officials, these servicemembers continue to serve the remainder of their service

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obligations, and when necessary are retrained in occupations that do not require them to bear arms.

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## Conscientious Objectors May Receive the Same Benefits as Other Discharged Servicemembers

In general, in accordance with component policies,<sup>14</sup> servicemembers separated as conscientious objectors may be granted honorable or under honorable conditions (general) discharges, thereby making them eligible to receive the same benefits as other discharged servicemembers. Army, Navy, and Air Force regulations state that conscientious objectors must be given one of these two types of discharge. The Marine Corps and the Coast Guard do not specify what type of discharge must be assigned to conscientious objectors; rather, their regulations state that the type of discharge should be determined by the member's overall service record. In accordance with VA guidance,<sup>15</sup> conscientious objector status generally is not considered when determining eligibility for any of the benefits VA offers;<sup>16</sup> the primary determinant for these benefits is the characterization

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<sup>14</sup> DOD Instruction 1300.06, *Conscientious Objectors* (May 5, 2007); Army Regulation 600-43, *Conscientious Objection* (Aug. 21, 2006); Navy Military Personnel Manual, Article 1900-020, *Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)* (Aug. 22, 2002); Air Force Instruction 36-3204, *Procedures for Applying as a Conscientious Objector* (July 15, 1994); Marine Corps Order 1306.16E, *Conscientious Objectors* (Nov. 21, 1986); and Coast Guard Commandant Instruction 1900.8, *Conscientious Objectors and the Requirement to Bear Arms* (Nov. 30, 1990).

<sup>15</sup> VA General Counsel Decision Assessment, 1993.

<sup>16</sup> In accordance with 38 U.S.C. § 5303, a servicemember is not eligible for benefits if (1) the servicemember, while his or her conscientious objector application was pending, refused to perform military duties, wear the uniform, or comply with lawful orders of a competent military authority; (2) the servicemember was convicted and sentenced to a bad-conduct discharge or dishonorable discharge at a general court martial; (3) the servicemember, as an officer, resigned for the good of the service rather than face a general court martial; (4) the servicemember was a deserter; (5) the servicemember was an alien, who, it could be affirmatively shown, requested his or her release during a period of hostilities; or (6) the servicemember received a discharge under other than honorable conditions as a result of an absence without official leave for a continuous period of at least 180 days.

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of discharge.<sup>17</sup> All servicemembers separated with an honorable or an under honorable conditions (general) discharge are eligible for the same VA benefits, with the exception of Montgomery GI Bill-Active Duty Education and Training benefits.<sup>18</sup> Whether discharged as a conscientious objector or for other reasons, a servicemember must receive an honorable discharge to be entitled to Montgomery GI Bill-Active Duty Education and Training benefits.<sup>19</sup> In addition to the characterization of discharge, a servicemember may have to meet other eligibility requirements—including years of service, period of service (e.g., during a period of war), or an injury or disease that was incurred or aggravated during military activity—to receive certain VA benefits. Table 4 provides an overview of the VA benefits available to veterans and the basic eligibility requirements for each.

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<sup>17</sup> There are six characterizations of military discharge: (1) honorable, which is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for military personnel; (2) under honorable conditions (general), which is given to servicemembers whose performance is satisfactory but is marked by a considerable departure in duty performance and conduct expected of servicemembers; (3) under other than honorable conditions, which represents a serious departure from the conduct and performance expected of all servicemembers; (4) bad conduct, which is given to servicemembers only upon conviction at a general or special court martial; (5) dishonorable, which is given for what the military considers the most dishonorable of conduct and is only rendered by conviction at a general court martial; and (6) uncharacterized, which is given to individuals who do not complete 180 days of service.

<sup>18</sup> VA administers other education programs that only require that a servicemember receive a discharge under other than dishonorable conditions.

<sup>19</sup> If the veteran has a prior period of service that terminated honorably, he or she may be eligible to receive education and training benefits based on that qualifying period of service.

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**Table 4: Benefits Available to Veterans**

VA benefit	Basic eligibility requirements
Health care	<ul style="list-style-type: none"><li>• Characterization of discharge<ul style="list-style-type: none"><li>• Honorable</li><li>• Under honorable conditions (general);</li></ul></li><li>• Length of Service<ul style="list-style-type: none"><li>• The length of service may matter depending on when the veteran served. There is no length of service requirement for<ul style="list-style-type: none"><li>• former enlisted persons who started active duty on or before September 8, 1980, or former officers who first entered active duty on or before October 17, 1981.</li></ul></li><li>• All other veterans must have 24 months of continuous active duty military service or meet the exception described below.</li><li>• Former Reserve or National Guard members are eligible if they were activated or mobilized by a federal order and they served for the full period for which they were called to active service.</li></ul></li></ul>
Disability compensation	<ul style="list-style-type: none"><li>• Characterization of discharge<ul style="list-style-type: none"><li>• Honorable</li><li>• Under honorable conditions (general);</li></ul></li><li>• The veteran must have been disabled by an injury or disease incurred or aggravated during active military service.</li></ul>
Pension	<ul style="list-style-type: none"><li>• Characterization of discharge<ul style="list-style-type: none"><li>• Honorable</li><li>• Under honorable conditions (general);</li></ul></li><li>• The veteran must<ul style="list-style-type: none"><li>• be permanently and totally disabled;</li><li>• have served 24 consecutive months of active military service, at least 1 day of which was during a period of war;<sup>a</sup> and</li><li>• meet certain income restrictions.</li></ul></li><li>• The veteran may be eligible for a VA pension if age 65 or older and/or entitled to Social Security disability; and</li><li>• the disability must have been caused by circumstances other than veteran's own willful misconduct.</li></ul>

VA benefit	Basic eligibility requirements
Montgomery GI Bill- Active Duty education and training	<ul style="list-style-type: none"> <li>Characterization of discharge               <ul style="list-style-type: none"> <li>Honorable</li> </ul> </li> </ul> <p>Veterans may be eligible if</p> <ul style="list-style-type: none"> <li>they have completed 3 continuous years of active duty, or 2 continuous years of active duty if they signed up for less than 3 years or have an obligation to serve 4 years in the Selected Reserve and enter the Selected Reserve within 1 year of discharge OR they are discharged for one of the following reasons:               <ul style="list-style-type: none"> <li>for the convenience of the government—if they have 30 continuous months of service for an obligation of 3 or more years or 20 continuous months of service for an obligation of less than 3 years;</li> <li>service connected disability;<sup>b</sup></li> <li>hardship;</li> <li>a medical condition diagnosed prior to joining the military;</li> <li>a condition that interfered with performance of duty and did not result from misconduct; and</li> <li>a reduction in force.</li> </ul> </li> </ul>
Vocational rehabilitation and employment	<ul style="list-style-type: none"> <li>Characterization of discharge               <ul style="list-style-type: none"> <li>Honorable</li> <li>Under honorable conditions (general);</li> </ul> </li> <li>The veteran must have a service-connected disability that is rated at least 20 percent with an employment handicap;<sup>b</sup> or</li> <li>A service-connected disability that is rated at least 10 percent with a serious employment handicap.</li> </ul>
Home loan guaranty	<ul style="list-style-type: none"> <li>Characterization of discharge               <ul style="list-style-type: none"> <li>Honorable</li> <li>Under honorable conditions (general);</li> </ul> </li> <li>The length of service requirement for a veteran is dependent on the period of time during which the veteran served (e.g., Vietnam, Post-Vietnam, or the Gulf War).</li> </ul>

VA benefit	Basic eligibility requirements
Life insurance	<ul style="list-style-type: none"> <li>In general, veterans who are insured by the Servicemembers' Group Life Insurance program at the time of separation from the military are eligible to purchase Veterans Group Life Insurance provided an application is submitted within 1 year and 120 days from the date of their separation from service. Service Disabled Veterans Insurance is also available for those disabled veterans who were <ul style="list-style-type: none"> <li>released from active duty under other than dishonorable conditions on or after April 25, 1951;</li> <li>rated for a service-connected disability; and</li> <li>in good health except for any service-connected conditions.</li> </ul> </li> <li>The veterans must apply within 2 years of the date that VA grants their new service-connected disability rating.</li> </ul>
Burial	<ul style="list-style-type: none"> <li>Characterization of discharge from active duty<sup>c</sup> <ul style="list-style-type: none"> <li>Honorable</li> <li>Under honorable conditions (general); or</li> </ul> </li> <li>Servicemembers who die while on active duty.</li> </ul>

Source: GAO analysis of the VA's benefits information.

<sup>a</sup>Veterans who entered active duty before September 8, 1980, or officers who entered before October 16, 1981, must have served at least 90 days of active military service, at least 1 day of which was during a period of war. According to the Federal Benefits for Veterans and Dependents, 2007 Edition, the Persian Gulf War period began on August 2, 1990, and continues through a date to be set by law or Presidential Proclamation.

<sup>b</sup>A service-connected disability is one that a delegated VA representative determines is incurred or aggravated during active military service, based on evidence from the servicemember's medical records or a VA Compensation and Pension examination.

<sup>c</sup>Active-duty service beginning after September 7, 1980, as an enlisted person, and after October 16, 1981, as an officer, must be for a minimum of 24 consecutive months or the full period of active duty (as in the case of Reserve or National Guard members called to active duty for a limited duration).

To apply for VA benefits, a veteran submits an application to a veterans' claims examiner or other qualified VA employee at a VA field facility, where it is reviewed to ensure that it is complete and that the applicant meets basic eligibility requirements. If it is determined that the veteran does not meet basic eligibility requirements (i.e., the characterization of discharge is not honorable or under honorable conditions (general)), then the examiner or other qualified VA employee will notify the veteran that he or she is not entitled to benefits. The veteran can then (1) seek an upgrade in the characterization of his or her discharge through the military component and, if successful, provide the revised discharge papers to VA or (2) provide the examiner or other qualified VA employee with evidence of mitigating circumstances that could lead VA to revise its determination of the veteran's eligibility. Even if the veteran does not provide additional

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information, the examiner or other qualified VA employee will review the veteran's military personnel and service record to determine if (1) there were mitigating circumstances surrounding the discharge; (2) there is a period of service, other than the one for which the veteran was discharged, upon which the benefits may be based; or (3) despite the characterization of discharge, the veteran's service was faithful or meritorious. For example, if it is determined after a review of the military personnel and service record that the veteran received an under other than honorable conditions discharge because of an absence without official leave to see a dying parent, the veteran may still receive VA benefits. If an examiner or other qualified VA employee determines that a veteran with an under other than honorable conditions or bad conduct discharge is not eligible for most VA benefits, the veteran may still be eligible for health care for any disability incurred or aggravated in the line of duty during active service, unless the veteran is barred from receiving VA benefits.<sup>20</sup> If the veteran's military personnel or service record indicates that he or she refused to perform military duties, wear the uniform, or comply with lawful orders of a competent military authority while the conscientious objector application was pending, the veteran is barred from receiving VA benefits.<sup>21</sup> The decision of the examiner or other qualified VA employee applies not only to those benefits that the veteran was requesting at the time of the decision but also to any future benefits he or she may seek, except for education and training, for which the discharge must be honorable.<sup>22</sup> A dishonorable discharge automatically disqualifies a veteran from receiving benefits; the examiner or other qualified VA employee does not make decisions on dishonorable discharges.<sup>23</sup>

A veteran who disagrees with the decision has 1 year to file an appeal with the VA Board of Veterans Appeals. When the case comes before the Board of Appeals, the veteran may be represented by legal counsel. If the board decides in favor of the veteran, the veteran will be awarded the benefit in question. If the board upholds the decision to deny benefits, the veteran

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<sup>20</sup> 38 U.S.C. § 5303.

<sup>21</sup> 38 U.S.C. § 5303.

<sup>22</sup> The decision of the examiner or other qualified VA employee does not apply for Montgomery GI Bill-Active Duty Education and Training benefits. The veteran must receive an honorable discharge to be eligible for these benefits.

<sup>23</sup> If the individual has a prior period of service that terminated under honorable conditions, a dishonorable discharge may not bar that individual from receiving VA benefits.

can appeal to the U.S. Court of Appeals for Veterans Claims, which is an independent court and not part of the VA.

Of the 224 servicemembers who were approved for conscientious objector status during calendar years 2002 through 2006, 207 (92 percent) were granted honorable discharges; 14 (6 percent) were granted under honorable conditions (general) discharges; and no information on the discharges of the remaining 3 (1 percent) was available (see table 5).<sup>24</sup>

**Table 5: Number of Reported Servicemembers Discharged with Conscientious Objector Status Granted Honorable or General Discharges by Component, Calendar Years 2002-2006**

	Honorable	Under honorable conditions (general)	Discharge type unknown	Total
Army	92	7	0	99
Army Reserve	16	0	0	16
Army National Guard	15	0	0	15
Navy	23	3	0	26
Navy Reserve <sup>a</sup>	0	0	0	0
Air Force	28	0	0	28
Air Force Reserve	2	0	0	2
Air National Guard	1	0	0	1
Marine Corps	12	2	0	14
Marine Corps Reserve	17	2	3	22
Coast Guard	1	0	0	1
Coast Guard Reserve	0	0	0	0
<b>Total</b>	<b>207</b>	<b>14</b>	<b>3</b>	<b>224</b>

Source: GAO analysis of components' data.

<sup>a</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

## Agency Comments

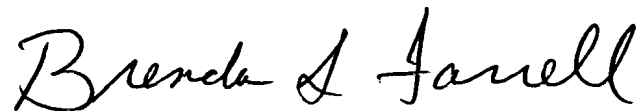
DOD, the Department of Homeland Security, and VA were provided a draft of this report and had no comments on the findings. The Department of Homeland Security and VA provided technical comments, which were incorporated as appropriate.

<sup>24</sup> Percentages do not add to 100 because of rounding.

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We will send copies of this report to interested Members of Congress, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Department of Veterans Affairs. We will also make copies available to others upon request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>.

If you or your staff have any questions on this report, please contact me at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix IV.

A handwritten signature in black ink that reads "Brenda S. Farrell". The signature is written in a cursive, flowing style.

Brenda S. Farrell  
Director, Defense Capabilities and Management

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*List of Congressional Committees*

The Honorable Carl Levin  
Chairman  
The Honorable John McCain  
Ranking Member  
Committee on Armed Services  
United States Senate

The Honorable Daniel Inouye  
Chairman  
The Honorable Ted Stevens  
Ranking Member  
Subcommittee on Defense  
Committee on Appropriations  
United States Senate

The Honorable Ike Skelton  
Chairman  
The Honorable Duncan Hunter  
Ranking Member  
Committee on Armed Services  
House of Representatives

The Honorable John P. Murtha  
Chairman  
The Honorable C.W. Bill Young  
Ranking Member  
Subcommittee on Defense  
Committee on Appropriations  
House of Representatives

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# Appendix I: Demographic Information on Known Applicants for Conscientious Objector Status, Calendar Years 2002-2006

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In calendar years 2002 through 2006, 81 percent of the applicants were enlisted males. In addition, the majority of male applicants were between the ages of 21 and 25. The occupational area for the majority of the applicants was general infantry (which includes weapons specialists and special forces, among others), and most of the applicants also had between 1 to 4 years of service.

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**Table 6: Gender and Rank of Applicants for Conscientious Objector Status, Calendar Years 2002-2006**

Rank of applicant	Male applicants (percentage)	Female applicants (percentage)	Total (percentage)
Enlisted	332 (92%)	45 (88%)	377 (92%)
Officer	27 (8%)	6 (12%)	33 (8%)
<b>Total</b>	<b>359 (100%)</b>	<b>51 (100%)</b>	<b>410 (100%)<sup>a</sup></b>

Source: GAO analysis of components' data.

Note: Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>DMDC was unable to provide this information for 15 of the applicants identified by the components, because it was unable to match the Social Security numbers to records in its personnel files.

On the basis of the information shown in table 7, we determined that 83 percent of male applicants for conscientious objector status were 30 years old or younger. Eighty-four percent of female applicants were 30 years old or younger.

**Appendix I: Demographic Information on  
Known Applicants for Conscientious Objector  
Status, Calendar Years 2002-2006**

**Table 7: Age of Applicants for Conscientious Objector Status, Calendar Years 2002-2006**

<b>Age range</b>	<b>Male applicants (percentage)</b>	<b>Female applicants (percentage)</b>	<b>Total (percentage)</b>
17 to 20	30 (8%)	6 (12%)	<b>36 (9%)</b>
21 to 25	195 (54%)	23 (45%)	<b>218 (53%)</b>
26 to 30	74 (21%)	14 (27%)	<b>88 (21%)</b>
31 to 35	24 (7%)	4 (8%)	<b>28 (7%)</b>
36 to 40	19 (5%)	1 (2%)	<b>20 (5%)</b>
Over 40	17 (5%)	3 (6%)	<b>20 (5%)</b>
<b>Total</b>	<b>359 (100%)</b>	<b>51 (100%)</b>	<b>410 (100%)<sup>a</sup></b>

Source: GAO analysis of components' data.

Note: Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>DMDC was unable to provide this information for 15 of the applicants identified by the components, because it was unable to match the Social Security numbers to records in its personnel files.

Table 8 shows that 43 percent of applicants had 1 to 2 years of service, and 32 percent had 3 to 4 years of service.

**Appendix I: Demographic Information on  
Known Applicants for Conscientious Objector  
Status, Calendar Years 2002-2006**

**Table 8: Years of Service of Applicants for Conscientious Objector Status for Calendar Years, 2002-2006**

Years of service	Army	Army Reserve	Army National Guard	Navy	Navy Reserve <sup>a</sup>	Air Force	Air Force Reserve	Air National Guard	Marine Corps	Marine Corps Reserve	Coast Guard	Coast Guard Reserve	Total (percentage of total)
Less than 1 year	7	6	1	0	0	0	1	0	3	0	1	0	19 (4%)
1-2 years	87	10	14	6	0	23	0	2	21	19	1	0	183 (43%)
3-4 years	60	8	5	12	0	14	0	1	10	24	1	0	135 (32%)
5-6 years	21	6	2	4	0	2	0	2	3	5	0	1	46 (11%)
7-8 years	2	2	1	3	0	1	0	0	2	0	0	0	11 (3%)
More than 8 years	4	1	2	5	0	5	0	0	4	2	0	0	23 (5%)
No data provided	0	3	1	1	0	0	3	0	0	0	0	0	8 (2%)
<b>Total</b>	<b>181</b>	<b>36</b>	<b>26</b>	<b>31</b>	<b>0</b>	<b>45</b>	<b>4</b>	<b>5</b>	<b>43</b>	<b>50</b>	<b>3</b>	<b>1</b>	<b>425</b>

Source: GAO analysis of components' data.

Note: Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

On the basis of component-provided data, we were able to determine that during calendar years 2002 through 2006, 154 of the 202 applicants for which these data were provided had participated in Operation Noble Eagle (ONE), Operation Enduring Freedom (OEF), or Operation Iraqi Freedom (OIF) (see table 9).<sup>1</sup> Of the 154 who served in these operations, 153 were from Army or Marine Corps components.

<sup>1</sup> ONE began on September 14, 2001; OEF began on October 7, 2001; and OIF began on March 19, 2003.

**Table 9: Applicants for Conscientious Objector Status Who Served in ONE, OEF, or OIF, Calendar Years 2002–2006**

<b>Component</b>	<b>Served in ONE, OEF, or OIF</b>	<b>Did not serve in ONE, OEF, or OIF</b>	<b>Data not maintained by component</b>	<b>Total</b>
Army	78	0	103	<b>181</b>
Army Reserve	11	0	25	<b>36</b>
Army National Guard	11	0	15	<b>26</b>
Navy	0	0	31	<b>31</b>
Navy Reserve <sup>a</sup>	0	0	0	<b>0</b>
Air Force	0	0	45	<b>45</b>
Air Force Reserve	0	0	4	<b>4</b>
Air National Guard	0	5	0	<b>5</b>
Marine Corps	19	24	0	<b>43</b>
Marine Corps Reserve	34	16	0	<b>50</b>
Coast Guard	0	3	0	<b>3</b>
Coast Guard Reserve	1	0	0	<b>1</b>
<b>Total</b>	<b>154</b>	<b>48</b>	<b>223</b>	<b>425</b>

Source: GAO analysis of components' data.

Note: Applications do not equal the number of applicants because two servicemembers applied for conscientious objector status twice.

<sup>a</sup>The Navy Reserve reported that it did not receive any conscientious objector applications for this time period.

Our review of component-provided data found that servicemembers who applied for conscientious objector status worked in a variety of occupational areas. The top five occupational areas for the 377 enlisted servicemembers for calendar years 2002 through 2006 were

- general infantry, which includes weapons specialists, ground reconnaissance specialists, special forces, and military training instructors, with 42 applicants;
- other functional support, which includes supply accounting and procurement, transportation, flight operations, and related areas, with 16 applicants;
- medical care and treatment, which includes surgical and therapy specialists, with 16 applicants;
- security, which includes specialists who guard weapon systems, defend installations, and protect personnel, equipment, and facilities, with 14 applicants; and

- combat engineering, which includes specialists in hasty and temporary construction of airfields, roads and bridges, and in demolition, field illumination, and chemical warfare, with 14 applicants.

Of the 33 officer applicants, the three largest occupational types included 6 applicants whose occupations were designated as unknown (i.e., officer unknown occupation); 5 who were in ground and naval arms, which includes infantry, artillery, armor and close support officers, and naval ship commanders and other warfare-related officers; and 3 who were in the occupational area of student officers, which includes law students, medical students, and other trainees.

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# Appendix II: Scope and Methodology

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To meet our first objective—to identify trends in the number of servicemembers applying for conscientious objector status during calendar years 2002 through 2006—we obtained data from each of the components. We did not report data between September 11, 2001, and December 31, 2001, as directed in the mandate, because several of the components were unable to provide data for this time period. The Army National Guard and the Air Force did not provide any data to us for this period of time. Navy officials reported receiving five applications in 2001, but they said that they were not confident that this information was accurate. We found that the data provided by the components could underrepresent the total number of applications for conscientious objector status because applications could be withdrawn during the application process before they reach the headquarters level. However, we believe that the data are sufficiently reliable to demonstrate overall trends in the numbers of applications that were approved and denied during calendar years 2002 through 2006. The Defense Manpower Data Center (DMDC) does not maintain separate data on the numbers of applications for conscientious objector status; however, it does maintain data on personnel, including demographics and reasons for separation, dating back to the early 1970s. We therefore used DMDC data for these purposes. To assess the reliability of all data presented in this report, we obtained an understanding of the sources of the data and the file structures. Specifically, we (1) performed electronic testing of the data variables for completeness (that is, duplicative and missing data); (2) assessed the reasonableness of the data by comparing data provided by the components with data provided by DMDC; (3) reviewed existing information about the systems that produced the data; and (4) interviewed component and DMDC officials to identify known problems or limitations in the data, as well as to understand how data are received from each of the components and processed by DMDC. When we found discrepancies (for example, duplicate Social Security numbers), we worked with the appropriate components and DMDC to understand the reasons for the discrepancies.

To meet our second objective—to determine how each component of the U.S. Armed Forces administers its process for approving or denying conscientious objector applications—we reviewed relevant guidance and

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regulations, including DOD's instruction.<sup>1</sup> We interviewed officials responsible for each component's current practices for (1) reviewing conscientious objector applications, including the roles and availability of key personnel (e.g., chaplains and medical personnel); (2) reassigning servicemembers with pending applications; and (3) approving or denying servicemembers' applications. Finally, we used component-provided data (e.g., application start dates) to calculate the average processing time for conscientious objector applications.<sup>2</sup>

To meet our third objective—to determine whether conscientious objectors are eligible to receive the same benefits that other servicemembers are eligible to receive after they are discharged from the military—we analyzed applicable laws and instructions from VA, DOD, and the components. We also interviewed VA, DOD, and component officials about the benefits available to conscientious objectors and other servicemembers upon discharge. We reviewed component-provided data to determine the characterization of discharge (e.g., honorable) received by the servicemembers separated as conscientious objectors.

To obtain demographic information on applicants for conscientious objector status, we provided DMDC with applications data provided by the components; DMDC then matched this information to personnel data it maintains.

In conducting this work, we contacted the appropriate officials from the following organizations (see table 10).

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<sup>1</sup> DOD Instruction 1300.06, *Conscientious Objectors* (May 5, 2007); Army Regulation 600-43, *Conscientious Objection* (Aug. 21, 2006); Navy Military Personnel Manual, Article 1900-020, *Convenience of the Government Separation Based on Conscientious Objection (Enlisted and Officers)* (Aug. 22, 2002); Air Force Instruction 36-3204, *Procedures for Applying as a Conscientious Objector* (July 15, 1994); Marine Corps Order 1306.16E, *Conscientious Objectors* (Nov. 21, 1986); and Coast Guard Commandant Instruction 1900.8, *Conscientious Objectors and the Requirement to Bear Arms* (Nov. 30, 1990).

<sup>2</sup> The combined average number of days for all components is a weighted-average.

**Table 10: List of Organizations Contacted to Obtain Information on Conscientious Objectors**

**DOD**

Office of the Secretary of Defense

- Office of the Under Secretary of Defense (Personnel and Readiness), Arlington, Virginia;
- Office of the Assistant Secretary of Defense for Reserve Affairs, Arlington, Virginia;
- Defense Manpower Data Center, Monterey, California; and

National Guard Bureau, Arlington, Virginia.

**Army**

- Headquarters, Department of the Army;
  - Conscientious Objector Review Board;
- U.S. Army Reserve Command, Fort McPherson, Georgia;
- U.S. Army Human Resources Command, St. Louis, Missouri;
- U.S. Army Civil Affairs and Psychological Operations Command, Fort Bragg, North Carolina;
- 7th Army Reserve Command, Schwetzingen, Germany;
- 9th Regional Readiness Command, Fort Shafter, Hawaii; and
- Army National Guard, Arlington, Virginia.

**Navy**

- Navy Personnel Command, Millington, Tennessee; and
- Office of the Chief of Chaplains.

**Air Force**

- Department of the Air Force, Headquarters;
- Secretary of the Air Force Personnel Council, Andrews Air Force Base, Maryland;
- Air Force Personnel Center, Randolph Air Force Base, Texas;
- Air Force Reserve Command, Robins Air Force Base, Georgia;
- Air Reserve Personnel Center, Denver, Colorado; and
- Air National Guard, Arlington, Virginia.

**Marine Corps**

- Marine Corps Headquarters, Quantico, Virginia;
- Manpower Integration and Administration Branch, Headquarters, Quantico, Virginia; and
- Office of the Command Chaplain, Quantico, Virginia.

**Department of Homeland Security**

United States Coast Guard, Headquarters, Washington, D.C.;

- Advancements and Separations Branch, Enlisted Personnel Management; and
- Chief of Military Personnel Policy and Standards Division.

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**Department of Veterans Affairs**

- VA Headquarters, Washington D.C.;
- Veterans Benefits Administration, VA Central Office, Washington, D.C.;
- Veterans Health Administration, Health Eligibility Center, Atlanta, Georgia;
- National Systematic Technical Accuracy Review, Nashville, Tennessee; and
- Veterans Benefits Administration (Regional Office), Decatur, Georgia.

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**Nongovernmental Organizations**

- Center for Conscience and War, Washington, D.C.
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Source: GAO.

We performed our work from November 2006 through August 2007 in accordance with generally accepted government auditing standards.

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# Appendix III: Data on Active Components' Servicemembers Separated as Conscientious Objectors, Calendar Years 1994-2006

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The Department of Defense (DOD) reported to Congress that 44 of the 197,786 servicemembers separated in fiscal year 2006 were discharged as conscientious objectors, and 39 of the 214,353 servicemembers separated in fiscal year 2005 were discharged for that reason.<sup>1</sup> As reported, the numbers of servicemembers separated as conscientious objectors represent about two-tenths of 1 percent of the total separations from DOD (see fig. 3).

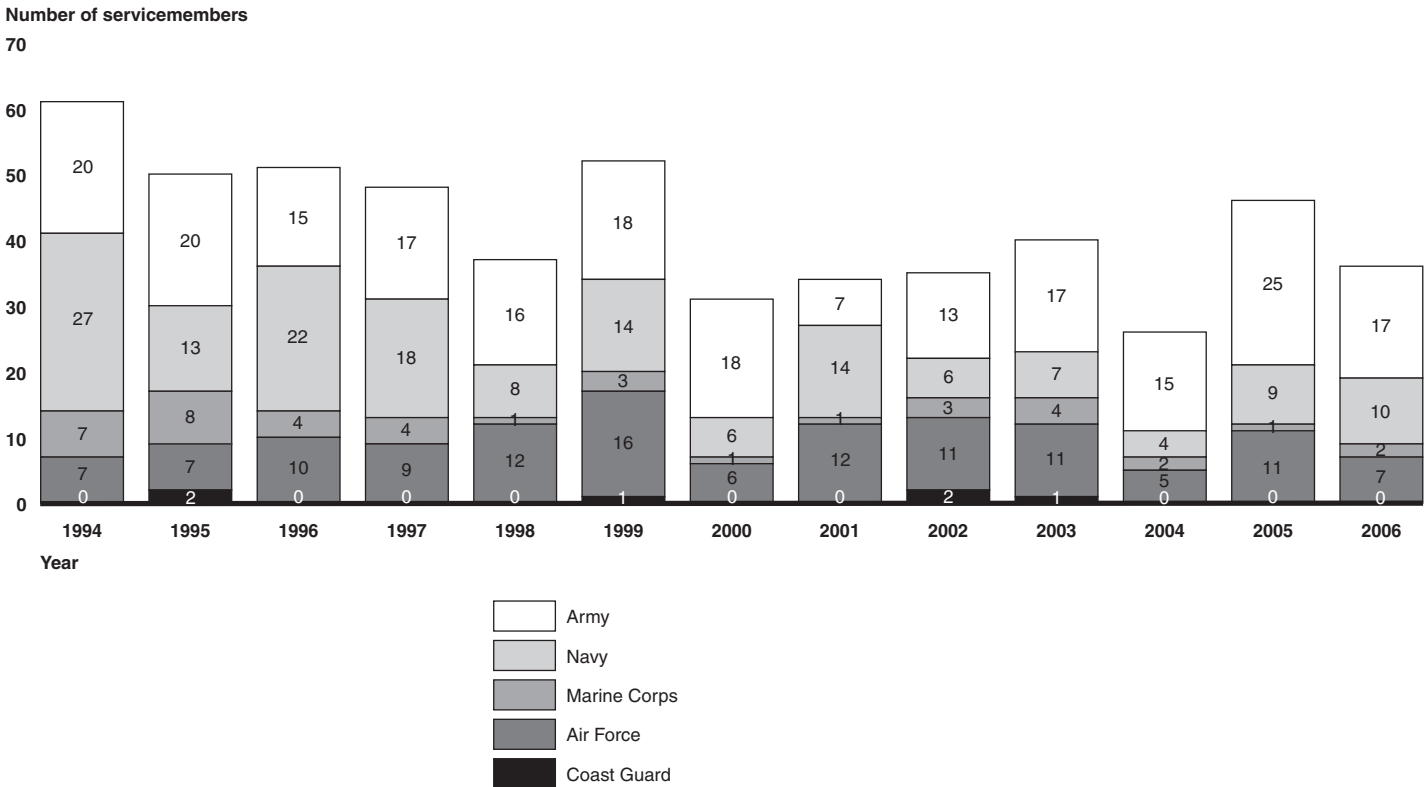
DMDC-provided data showed that 547 servicemembers were discharged as conscientious objectors between calendar years 1994 and 2006. The number of conscientious objectors has decreased from 61 in 1994 (during a period when the services were larger) to 46 and 36 during calendar years 2005 and 2006, respectively. These numbers are very small, given the size of the total force—approximately 2.3 million servicemembers.

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<sup>1</sup> The National Defense Authorization Act for Fiscal Year 2005 directed the Secretary of Defense to report to Congress—no later than March 1st of each year 2005 through 2011—the number of servicemembers who separated overall in the previous fiscal year from the Army, the Air Force, the Navy, and the Marine Corps. See Pub. L. No. 108-375, § 586 (2004). This report also includes those servicemembers who were separated as conscientious objectors.

Appendix III: Data on Active Components' Servicemembers Separated as Conscientious Objectors, Calendar Years 1994-2006

Figure 3: Servicemembers Discharged as Conscientious Objectors, Calendar Years 1994-2006



Source: GAO analysis of DMDC data.

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# Appendix IV: GAO Contact and Staff Acknowledgments

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## GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov.

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## Acknowledgments

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